

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: Watona L. Marks)	
)	18 B 25521
)	
Debtor(s))	Judge Timothy A. Barnes
)	

Notice of Motion & Certificate of Service

Watona L. Marks
P O Box 13251
Chicago, IL 60613
Via US Mail

David M. Siegel & Associates
David M. Siegel
Via ECF noticing procedures

On **October 7, 2021 at 1:00 p.m.** I will appear before the Honorable Timothy A. Barnes, or any judge sitting in that judge's place, and present the Trustee's Motion to Modify plan, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 329 5276
and the password is. 433658

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Certificate of Service

I certify under penalty of perjury that I mailed a copy of this notice to the above listed persons by first class US mail, postage prepaid, or as otherwise indicated above on September 14, 2021 at 5:00 p.m.

Marilyn O Marshall, Trustee

/s/ O. Anthony Olivadoti

By: O. Anthony Olivadoti

Office of the Chapter 13 Trustee, Marilyn O. Marshall
224 South Michigan
Suite 800
Chicago, IL 60604
(312) 431-1300

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Motion to Modify Plan

NOW COMES Marilyn O. Marshall, Standing Trustee, and requests that the Debtor' confirmed Chapter 13 Plan be modified pursuant to 11 USC Section 1329, and in support thereof states as follows:

1. The Debtor filed for relief pursuant to Chapter 13 on September 11, 2018.
2. On December 6, 2018, the Debtor's Plan was confirmed. The Order confirming the Debtor's Chapter 13 Plan requires that the Debtor make plan payments in the amount of \$100.00 for 24 months, \$274.00 per month for 36 months, and providing that the unsecured creditors receive not less than 10% of their allowed claims.
3. The Debtor confirmed plan requires the Debtor to tender copies of their tax returns to the Trustee on an annual basis.
4. According to the Debtor's 2020 tax returns, Debtor's annual gross income has increased from \$59,892.00, at the time the case was filed to \$112,223.00. This equates to an increase in Debtor's monthly net income from the \$2,653.00 listed on Debtor's Schedule I to approximately \$5,924.36.
5. Presumably, the Debtor therefore has an additional \$3,270.68 in monthly disposable income that should be committed to the Debtor's plan payments.

6. The Debtor has to date not asked this court to increase Debtor's plan payments for the benefit of creditors while Debtor's income has increased in the past year.
7. The Debtor's post-petition wages are property of the bankruptcy estate pursuant to 11 U.S.C. §1306.
8. The Trustee has not received the final payments on this case and at filing there remains a balance due of approximately \$6,637.24.

WHEREFORE, the Trustee prays that the debtors' plan be amended to increase the Debtor's plan payments from \$274.00 to \$3,275.00 per month, general unsecured creditors shall receive no less than 100% of their claims, and for any further relief this court deems appropriate.

Respectfully submitted,

/s/ O. Anthony Olivadoti
for Marilyn O Marshall, Trustee

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